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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,608	02/26/2002	Edward G. Tiedemann JR.	020277	7078
23696	7590	07/20/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,608

Applicant(s)

TIEDEMANN ET AL.

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the amendment filed on 01/10/05. Claims 1-16 are pending. Currently no claims are in condition for allowance.

Claim Rejections - 35 USC § 102

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazmi et al. (US 2002/0159416).

Regarding claim 1, Kazmi discloses a method for frequency and channel assignment for sectors in a spread spectrum communications system, the method comprising:

modulating a message on a first synchronization channel transmitted on at least one first frequency from at least one sector (it is inherent to modulate a data [for example: adjusting its power; transposing at the correct burst frequency etc.] Fig. 1 shows: a communication path includes a radio link formed between a base station 12 and the appropriate mobile station 14 [*14a is constructed to be operable pursuant to IS-95 standard; and 14b is constructed to operable pursuant to IS-2000 standard*]). Each radio link 26 includes a forward CDMA channel 27 and a reverse CDMA channel 28; as is known in the art that a forward link and a reverse link are allocated separate frequencies);

modifying the message to generate a modified message (see paragraph 0036);

modulating the modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector (0037-0039).

Regarding claim 2, Kazmi discloses the method wherein the modulating a message on a first synchronization channel transmitted on at least one first frequency from the at least one sector comprises: modulating a Sync channel Message on a first synchronization channel transmitted on at least one first frequency from the at least one sector (0037).

Regarding claim 3, Kazmi discloses the method wherein the modulating a modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector comprises: modulating the modified Sync Channel Message on a second synchronization channel transmitted on at least one second frequency from the at least one sector (0039).

Regarding claim 4, Kazmi discloses the method wherein the modulating the modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector comprises: deleting at least one field from at message (0036).

Regarding claims 5 and 16, Kazmi discloses a method for assigning a system access frequency to a subscriber station in a synchronous communication system operating in accordance with at least two standards (IS-95 and IS-2000) comprising:

determining a standard in accordance with which the subscriber station is capable of operation (**generating a first type synchronization message that usable for establishing synchronization with the sending station by the first receiving station; see also 0030; 0043**); and assigning a system access frequency (**see fig.2, 205 CDMA_FREQ [that sets to the CDMA**

Art Unit: 2662

assignment]) to the subscriber station in accordance with the determination (transmitting synchronization message on the forward channel. As disclosed above, station 14 operates in 2G and 3G standards, which inherently employs different frequencies).

Regarding claims 6, 7, 10 and 11, Kazmi discloses the method wherein the assigning a system access frequency to the subscriber station in accordance with the determination comprises:

assigning a first system access frequency to the subscriber station operating in accordance with a first standard (IS-2000; see fig.2, 205 CDMA_FREQ); and

assigning a second system access frequency to the subscriber station operating in accordance with a second standard (IS-95; see fig.2, EXT_CDMA_FREQ 206).

Regarding claims 8 and 12, Kazmi discloses the method wherein the assigning a first system access frequency to the subscriber station operating in accordance with an IS-2000 standard comprises:

assigning a first frequency on which a first synchronization channel modulated by a message is transmitted (0038).

Regarding claims 9, 13 and 15, Kazmi discloses the method wherein the assigning a first frequency on which a first synchronization channel modulated by a message is transmitted comprises:

assigning a first frequency on which a first synchronization channel modulated by a

sync channel message is transmitted (0038).

Regarding claim 14, Kazmi discloses a method for enabling subscriber stations to process synchronization channel in a spread spectrum communications system, the method comprising:

modulating a message on a first synchronization channel transmitted on at least one first frequency from at least one sector **(it is inherent to modulate a data [for example: adjusting its power; transposing at the correct burst frequency etc.] Fig. 1 shows: a communication path includes a radio link formed between a base station 12 and the appropriate mobile station 14 [14a is constructed to be operable pursuant to IS-95 standard; and 14b is constructed to operable pursuant to IS-2000 standard]. Each radio link 26 includes a forward CDMA channel 27 and a reverse CDMA channel 28; as is known in the art that a forward link and a reverse link are allocated separate frequencies);**

modifying the message to generate a modified message (0036);

modulating the modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector (0037-0039);

assigning the first frequency as a system access frequency to a subscriber station operating in accordance with a first standard (IS-2000; **see fig.2, 205 CDMA_FREQ**); and

assigning the second frequency as a system access frequency to a subscriber station operating in accordance with a second standard (IS-95; **see fig.2, EXT_CDMA_FREQ 206**).

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
July 15, 2005



**JOHN PEZZLO
PRIMARY EXAMINER**